

REMARKS

Upon entry of the present amendment, claims 1-8 and 10-12 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. In this respect, claims 1-2 and 12 have been amended to change the term "comprise" to "consisting essentially of".

Based upon the above considerations, entry of the present amendment is respectfully requested, since it does not present new issues for consideration by the Examiner and at the same time puts the claims in a better form for consideration by the honorable members of the US Patent Office Board of Appeals.

Examiner Interview

Applicants greatly appreciate the Examiner's courtesy in granting a personal interview with their representative on January 14th, 2004. The Examiner interview summary resulting from the interview correctly states the subject matter of the interview.

Claim Rejections Under 35 USC § 102

Claims 1-8 and 10-12 have been rejected under 35 USC § 102(b) as being anticipated by Gynn et al. (US 5,521,232). Further, claims 1, 4, 10 and 12 have been rejected under 35 USC § 102(e) as

being anticipated by Sugita (US 6,329,442). Reconsideration and withdrawal of these rejections is respectfully requested based upon the following considerations.

In the instant invention, there is provided a molding composition consisting essentially of the components of:

- (A) a fibrous material;
- (B) an inorganic filler;
- at least one of (C) a radical polymerizable unsaturated polyester having an acid value of 3 to 60 KOHmg/g and (D) a radical polymerizable unsaturated polyester-polyamide having an acid value of 3 to 60 KOHmg/g; and
- (E) a radical generator.

In the claimed invention, it is specified that the component (B) has been internally added to at least one of the components (C) and (D). The internally added step is fully described in the instant specification at pages 7-8.

By internally adding component (B) to the resin (C) and/or (D), one can achieve superior results in comparison with the situation where component (B) is not internally added. In support of this contention, the Examiner's attention is directed to each of Examples 1-3 and Comparative Examples 1-3 in the present specification.

Particularly, as shown in Table 1 of the specification (see page 23) the compositions of Example 1 and Comparative Example 1; Example 2 and Comparative Example 2; and Example 3 and Comparative

Example 3; respectively, are the same except that in Examples 1-3, "internally adding" component (B) occurs, while in Comparative Examples 1-3 "externally adding" component (B) occurs.

As shown in Table 2 at page 24 of the specification, Examples 1-3 all possess high flexural strength when compared with Comparative Examples 1-3, and also offer excellent heat resistance as measured by "no warpage" when compared with Comparative Examples 1-3 (which in turn possessed some warpage in an amount of "less than 1 mm").

Accordingly, it is submitted that by "internally adding" component (B), one obtains a product that is not the same as or identical with a product that uses the step of "externally adding" component (B) into a molding composition.

Based upon the above considerations, and the fact that neither of the cited references teaches a step of "internally adding" as occurs in the present invention, it follows that the disclosures of each of the cited references of Gynn et al. and Sugita are incapable of anticipating Applicants' claimed invention. This is because the references do not teach or provide for each of the limitations recited in the present claims, and more importantly do not provide for a composition as instantly claimed that "consists essentially of" the components recited in the claims (see independent claims 1, 2 and 12).

Still further, it is noted that in instant claim 2, the same recites that the component (A) is "a fibrous material of an organic fiber". Nowhere in the cited reference of Gynn et al. is there disclosed or otherwise mentioned any advantages of such an organic fiber. Instead, in claim 13 of the cited Gynn reference, there is simply disclosed the use of a polyolefin fiber and the like, which are organic fibers, and silica, which is an inorganic fiber. However, there is no mention in the claim that an organic fiber is especially preferable, as has been discovered by the present inventors. This same argument is also presented against claim 4 of the cited Gynn et al. reference, which in no way motivates one of ordinary skill in the art to arrive at the instant invention, or the fact that a fibrous material of an organic fiber as utilized for component (A) in the present invention aids in achieving an advantageous result.

Additionally, it is noted that nowhere in the cited Gynn et al. specification is there provided any disclosure or teachings regarding the use of "an organic fiber" such as a polyolefin fiber. Instead, such teachings as may exist therein only occur in the claims thereof, with no differentiation being given between organic fibers or other fibers such as inorganic fibers. Likewise, it is noted that the Examples of Gynn (see Table at column 6), which correspond to the instant claim 2, utilize therein only Aerosil and

fiberglass as the fibrous material, both of which are inorganic fibers.

Based upon the above considerations, it follows that the outstanding rejections over the cited art under 35 USC § 102 are not sustainable. This is because the cited art does not provide for or otherwise provide for a molding composition as instantly claimed, which consists essentially of each of the elements recited in the present claims. For example, the cited references do not teach a composition as instantly recited in pending claim 1, and do not teach or render obvious the final element of claim 1, which is recited as "wherein the component (B) has been internally added to at least one of the components (C) and (D)". As indicated at page 7 of the specification, this aspect of the present invention relates to a molding composition, wherein the inorganic filler shows improved compatibility with the fibrous material by the action of the fatty acid metal salt so that it can be uniformly dispersed in the molding composition to manifest its effect (see page 7, lines 10-20 of the instant specification).

Additional Comments

While the Examiner's rejections have been set forth under 35 USC § 102, it is noted that the cited art is also incapable of rendering the present invention unpatentable for obviousness under

the provisions of 35 USC § 103(a). This is because such references, whether considered singularly or in combination do not teach or provide the instant invention as claimed and provide no motivation to arrive at the invention, or allow one of ordinary skill in the art to arrive at the unexpected and advantageous results that are associated therewith (see comparative test results in the specification, i.e., Examples 1-3 versus Comparative Examples 1-3).

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance, clearly indicating that pending claims 1-8 and 10-12 are allowed and patentable over the cited art of record.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/901,662

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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